

## FIFTY-SIXTH DAY

(Tuesday, April 28, 1959)

The Senate met at 10:30 o'clock, a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, in our frantic search for a solution for our problems, forbid that we fail to find Thee; for it is in Thee we live, move, and have our being. Better our right hand forget its cunning than that we fail to find and follow Thee, O God, our Father. In Thy name we pray. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Reports of Standing Committees

Senator Bradshaw submitted the following report:

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 677, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

BRADSHAW, Chairman.

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 359, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute passed in lieu thereof do pass and be printed.

BRADSHAW, Chairman.

C. S. S. B. No. 359 was read the first time.

Senator Weinert submitted the following reports:

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 304, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 471, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 470, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 463, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

#### Senate Resolution 450

Senator Reagan offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Students of Roy Miller High School of Corpus Christi, Nueces County, Texas, accompanied by their sponsors, Mr. M. Spruce Keen and Mr. Ed Sluder; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American Citizens is here to observe and to learn at firsthand the workings of its State Government; now, therefore, be it

Resolved, That the Senate of the State of Texas officially recognize and welcome these guests and commend them for their interest; and that copies of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to each member of the Senior Class and their Sponsors in recognition of their visit.

The resolution was read and was adopted.

Senator Reagan by unanimous consent presented the students and their sponsors to the Members of the Senate.

#### Senate Resolution 451

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the 6th, 7th and 8th grade classes of the Zion Lutheran School in Walburg, Williamson County, Texas, accompanied by their teacher, Mr. W. G. Bleeke; and

Whereas, These students of today are the citizens, leaders, and states-

men of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

WHEREAS, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mr. Bleeke to the Members of the Senate.

#### Senate Bill 473 on First Reading

Senator Bradshaw moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood
Lane	

Absent

Hazlewood	Willis
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bradshaw:

S. B. No. 473, A bill to be entitled "An Act amending Section 1 of Article 1.14 of the Insurance Code; re-

pealing all laws and parts of laws in conflict with this Act; repealing certain specific laws to the extent that they conflict with this Act; and declaring an emergency."

To the Committee on Insurance.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 238, A bill to be entitled "An Act amending Section (1) of Article 7084 of the Revised Civil Statutes of Texas, 1925, as last amended by Section 1 of Article IV of Chapter 404, H. B. No. 660, Acts of the Fifty-fourth Legislature, Regular Session, 1955, relating to franchise taxes, prescribing the rate and the method and basis of computation and the computation of the tax, including an allocation factor; providing for an increase in the franchise tax rate for the year beginning May 1, 1959, and ending April 30, 1960; providing for the definition of "taxable capital"; requiring additional information in the report of corporations required to pay the tax; providing that the report of corporations for the year beginning May 1, 1959 and ending April 30, 1960 shall be filed on or before May 1, 1959; authorizing a transfer of funds from the Governor's Office to the Secretary of State to be used in the administration and enforcement of this Act; authorizing the Secretary of State to make rules and regulations; providing for severability; providing for an effective date; and declaring an emergency."

S. C. R. No. 61, Commending the Benevolent and Protective Order of Elks.

House has appointed the following Conference Committee on H. B. No. 105: Watson, Huebner, Latimer, Thurman and Dugas.

House has appointed the following Conference Committee on H. C. R. No. 24: Cowen, Kennard, Shannon, Green and McDonald.

House has appointed the following Conference Committee on H. B. No. 47: Crosthwait, Pipkin, Slack, Dugas and Oliver.

H. B. No. 727, A bill to be entitled "An Act entitled the "Texas Occupation Tax for Education"; levying an Occupation Tax of 1% on the gross receipts of retailers selling certain property in the State; levying a use tax of 1% on the sale price for the use of certain property in the State; giving definitions; setting limitations and exemptions; providing for administration and enforcement; allocating some proceeds; amending Subsection 1 of Section 1 of Article IV of Senate Bill 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended so as to increase the minimum base pay of public school teachers; providing certain effective dates; levying a stamp tax on the recordation of instruments transferring an interest in certain property in the amount of 55c for each \$500 or fraction thereof of the consideration paid therefor; amending Section 1 of Article XV of Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as last amended by increasing the rate of tax on Stock Transfers to five cents (5c) for each one hundred dollars (\$100) or fraction thereof paid as consideration therefor; levying a stamp tax on issue of corporate certificates of indebtedness at a rate of ten cents (10c) for each one hundred dollars (\$100) of face value or fraction thereof; levying an occupation tax on the trading stamp business in the amount of 5% of the gross receipts; amending Article XIV of Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as last amended by setting an occupation tax in the amount of 2% of the gross receipts of certain motor bus companies, motor carriers, contract carriers, aircraft transportation and railroads; levying an occupation tax on hotels, motels, rooming houses and inns in the amount of 5% of the gross receipts; amending Sections 1 and 2 of Article VI, Acts of the 47th Legislature, Regular Session, 1941, Chapter 184, as last amended so as to raise the tax on motor vehicles sales to 2% of the consideration and limiting the coverage to new motor vehicles; amending Subsection or paragraph (1) of Section 1, of Main Section 1 of

Chapter 269, Acts of the 49th Legislature as last amended by increasing the rate of tax on gas production to 7¼ % of the market value; amending Section 1 of Article X, Chapter 184, Acts of the 47th Legislature, 1941, as last amended by increasing the rate of tax on cosmetics to 4% of the gross receipts and removing the limitation to new cosmetics and increasing the rate of tax on playing cards to 0.07 per pack or deck; amending Section 2 of Chapter 522, Acts of the 54th Legislature, Regular Session, 1955 by increasing the rate of tax on radios and televisions to 4% of the retail sales price; amending paragraph (1) of Section 1 of Article IV, Chapter 184, Acts of the 47th Legislature, 1941, as last amended by increasing the rate of tax on telephone companies by 4%; amending Article 7059, Revised Civil Statutes of Texas, 1925, so as to increase the rate of tax on telegraph companies by ¼ %; repealing all laws in conflict; providing for severability; and declaring an emergency."

S. B. No. 458, A bill to be entitled "An Act to amend Article 57, Ch. 492, Acts, 52nd Leg., R.S., 1951, the Election Code of the State of Texas, as amended, so as to provide that in instances where a person is nominated for President or Vice-President of the United States and also for an office requiring a state-wide vote for election, the name of such person may appear on the official ballot as a candidate for both such offices; repealing laws in conflict herewith; and declaring an emergency."

H. C. R. No. 21, Granting permission to Chester R. Morris to sue certain officials of the University of Texas, The University of Texas, and Tom E. Johnson, County Judge of Travis County, Texas.

H. C. R. No. 74, Granting permission to Lonnie A. Weber and Margaret Weber to sue the State of Texas.

H. C. R. No. 96, Requesting the Enrolling Clerk to amend the caption of House Bill No. 2 to conform to the body of the Bill.

H. C. R. No. 100, Respectfully requesting the Congress of the United States of America to pass a general

pension bill for World War I Veterans.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 452

Senator Bradshaw offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Putnam High School students, accompanied by their teachers and sponsors, R. W. Reynolds, Mrs. Lee Ivey, Mr. and Mrs. James Vick; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Bradshaw by unanimous consent presented the students, teachers and sponsors to the Members of the Senate.

#### Senate Bill 474 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Fuller
Bradshaw	Hardeman
Colson	Hazlewood
Crump	Herring
Dies	Hudson
Fly	Kazen

Lane	Roberts
Martin	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Ratliff	Wood
Reagan	

## Nays—3

Baker	Willis
Moore	

## Absent

Gonzalez	Moffett
Krueger	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Hardeman and Lane:

S. B. No. 474, A bill to be entitled "An Act amending Sections 181, 186, as amended, 190, 192, 195, 202, 205, 212 as amended, 213, 214, 215, 222, 223, 224, and 235 of the Election Code of the State of Texas and compiled in Vernon's Revised Civil Statutes of Texas as Election Code Articles 13.03, 13.08, 13.12, 13.14, 13.17, 13.24, 13.27, 13.34, 13.35, 13.36, 13.38, 13.45, 13.46, 13.47, and 13.58, respectively, and Section 2 of Chapter 44, Acts of the 52nd Legislature, 1951, compiled as Article 3158(a) of Vernon's Revised Civil Statutes, so as to provide for the holding of the first and second primary elections on the first Saturday in May, and the first Saturday in June, 1960, respectively, and every two years thereafter; and changing the dates and other matters relating to the various precinct, county, district, state and national political party meetings, conventions and election procedures; providing a severability clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

To the Committee on Privileges and Elections.

## Senate Concurrent Resolution 65

Senator Reagan offered the following resolution:

S. C. R. No. 65, Requesting a further study by the Texas Legislative Council of the State-owned submerged lands and islands for report to the 57th Legislature.

Whereas, The Texas Legislative Council, pursuant to H. S. R. No. 441, 55th Legislature, undertook a comprehensive study of State-owned submerged lands and islands; and

Whereas, As the result of said study, the Council recommended to the 56th Legislature the passage of an Act relating to the management, control, use and disposition of the surface estate in certain State-owned submerged lands and islands located within the tidewater limits and that portion of the Gulf of Mexico within the jurisdiction of the State of Texas, which Act if passed would have contained authority which commissioners of the General Land Office have sought since 1894 and which is deemed essential for the protection of the rights of the State as well as the littoral owners of the uplands adjoining State-owned submerged lands; and

Whereas, In full justice to the rights of the State as well as to the said littoral landowners further study should be given to the detailed provisions of this important legislation, all of which will require widely publicized hearings at various points along the Texas gulf coast and will require considerable time; therefore be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the Texas Legislative Council be requested to continue its study of State-owned submerged lands and islands with particular emphasis upon the production of a bill draft, for consideration by the 57th Legislature, which will encompass solutions for the numerous types of problems encountered in this complex legislation area; and be it further

Resolved, That the Council be requested to hold necessary hearings along the Texas gulf coast so that interested parties will have an opportunity to make known their views on various phases of the problems involved; and be it further

Resolved, That the Council be requested to make a supplemental report on the subject of State-owned submerged lands and islands to the 57th Legislature and include therein a proposed bill draft.

The resolution was read.

On motion of Senator Reagan and by unanimous consent the resolution

was considered immediately and was adopted.

#### House Concurrent Resolution 97 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 97, In memory of Asher Mintz.

The resolution was read and was adopted by a rising vote of the Senate.

#### Senate Resolution 453

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Social Studies Department of Goliad Junior High School of Galveston, accompanied by their teacher, Grant A. Prater; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the students and their teacher to the Members of the Senate.

#### Report of Standing Committee

Senator Hazlewood by unanimous consent submitted the following report:

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 26, have had the same under consideration, and we are instructed to report it back to the

Senate with the Recommendation that it do pass and be not printed.

HAZLEWOOD, Chairman.

#### House Concurrent Resolution on First Reading

The following concurrent resolution received from the House was read the first time and referred to the committee indicated:

H. C. R. No. 100—To the Committee on State Affairs.

#### House Concurrent Resolution 96 on Second Reading

On motion of Senator Wood and by unanimous consent, the President laid before the Senate on its second reading the following resolution:

H. C. R. No. 96—Enrolling Clerk of House to make certain corrections in H. B. No. 2.

The resolution was read and was adopted.

#### Senate Resolution 454

Senator Willis offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Eighth Grade Class of St. Andrew's School of Fort Worth, Texas, accompanied by their teachers, Father Morand and Sister Jene Elizabeth, and sponsors, Mr. Normand, Mrs. Hollemmand and Mrs. Merrill; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented the students and their teachers to the Members of the Senate.

### Conference Committee on House Bill 47

The President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 47:

Senators Bradshaw, Reagan, Moffett, Secrest, and Smith.

### Local and Uncontested Bills Session

On motion of Senator Martin and by unanimous consent, the Senate agreed to hold a Session for the consideration of the Local and Uncontested Bills Calendar.

### Senate Bill 456 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 456, A bill to be entitled "An Act to authorize the governing board of certain Junior College Districts to purchase additional lands; authorizing such governing board to fix reasonable tuition or registration fees under stated conditions; authorizing such governing boards to issue its notes for the purchase of said lands, and making full provisions relative to the issuance, sale, maturity, terms, total amount of, refunding of, and other matters pertaining to said notes; empowering the governing board to pledge and contract relative to certain tuition and registration fees incident to securing and paying such notes; specifying sources of funds for payment of said notes, and that said notes shall never be an indebtedness of the State of Texas; providing a severability clause and making certain provisions as to the effect of this Act upon existing laws; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Senate Bill 456 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 456 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Bradshaw
Baker	Colson

Crump	Moore
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	Wood
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

(Senator Hardeman in the Chair.)

### Senate Resolution 455

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Fourth Grade Class of the Summitt Elementary School in Austin, Travis County, Texas, accompanied by their teachers Mrs. Ray Stephens and Mrs. Max Davis; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these

students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to their class in appreciation of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teachers to the Members of the Senate.

#### Senate Bill 453 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 453, A bill to be entitled "An Act amending Subsection 2(b) of Section 6 of Article 1, Acts of the 54th Legislature, Regular Session, 1955, Chapter 530, Page 1638 (same being codified as Subsection 2(b) of Section 6 of Article 2922-1 of Vernon's Texas Civil Statutes) pertaining to the retirement of members of the Teacher Retirement System on disability who are eligible for service retirement; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 453 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 453 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### Senate Bill 461 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 461, A bill to be entitled "An Act creating two Courts of Domestic Relations for Harris County, Texas; fixing their jurisdiction; conforming the jurisdiction of other Courts thereto; fixing their terms; providing the manner of selection, tenure and compensation of the Judges and other officers of said Courts; providing the grounds for the removal of the Judges of said Courts; providing for the membership of the Juvenile Board of Harris County; providing for appeals to higher Courts; providing the procedure of said Courts; providing for the services of certain County and District officers to said Courts; containing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 461 to engrossment.

#### Senate Bill 461 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 461 be placed on its third reading and final passage.

The motion prevailed by the following vote:



## Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—1

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—1

Hardeman

## Senate Bill 451 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 451, A bill to be entitled "An Act amending Section 13 of Chapter 139, Acts of the 50th Legislature, Regular Session, 1947, relating to the compensation which may be paid to employees of the Battleship Texas Commission; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 451 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 451 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

## Senate Bill 44 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 44, A bill to be entitled "An Act authorizing the State Building Commission to locate and purchase land in the City of Houston, Texas, on which to construct a State Office Building and an adjoining

parking lot; granting authority to said Commission to construct and equip such building; granting authority to said Commission to enter into certain lease agreements; repealing all laws and parts of laws in conflict; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Record of Vote

Senator Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 44 to engrossment.

### Senate Bill 44 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

#### Nays—1

Willis

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—30

Aikin	Fuller
Baker	Gonzalez
Bradshaw	Hardeman
Colson	Hazlewood
Crump	Herring
Dies	Hudson
Fly	Kazen

Krueger	Ratliff
Lane	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Secrest
Owen	Smith
Parkhouse	Weinert
Phillips	Wood

#### Nays—1

Willis

### Senate Bill 465 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 465, A bill to be entitled "An Act authorizing independent school districts in counties having a population of Eight Hundred Thousand (800,000) or more according to the last preceding Federal Census to issue time warrants; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Senate Bill 465 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 465 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**Committee Substitute  
Senate Bill 441 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 441. A bill to be entitled "An Act to amend Subsection H of Section 5 of H. B. No. 20, Acts of the 46th Legislature, Regular Session, 1939, Chapter 5, Page 7, as amended, to permit withdrawal of territory from one Soil Conservation District and the inclusion of such territory within an adjoining Soil Conservation District; providing for procedure for petitioning for such action; providing who shall be qualified to vote on such petition; providing the State Soil Conservation Board shall determine whether such withdrawal and inclusion shall be accomplished; limiting the authority of said Board to act by specifying what acts of landowners in said District must first be accomplished; and declaring an emergency."

The bill was read second time.

Senator Colson offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 441, Section 1, page 2, line 14 of the printed bill by inserting between the words "landowners" and "voted" the following:

"voting shall have"

The amendment was adopted.

On motion of Senator Colson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Committee Substitute  
Senate Bill 441 on Third Reading**

Senator Colson moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 441 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**Senate Resolution 456**

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate

Somerset High School, Bexar County, accompanied by their sponsor, Mr. Wm. James; and

Whereas, These students are on an educational tour of the Capitol Building and Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students and Mr. James to the Members of the Senate.

#### Senate Resolution 457

Senator Fly offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Civics Classes of Refugio High School, Refugio, Texas, accompanied by their teachers and sponsors, Mr. Glen Pfeil, H. E. Harris, Miss Lula Rice; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Fly by unanimous consent presented the students, teachers and sponsors to the Members of the Senate.

#### Reports of Standing Committee

Senator Fly by unanimous consent submitted the following reports:

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 135, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 53, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

FLY, Chairman.

#### Senate Bill 470 Ordered Not Printed

On motion of Senator Fly and by unanimous consent S. B. No. 470 was ordered not printed.

#### Senate Bill 420 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 420, A bill to be entitled "An Act enabling any city and town to enter into a contract or contracts for the acquisition of water supply systems, water distribution systems, sanitary sewer systems, either separately or together, from corporations operating without profit; providing that if the city or town is to become the owner of such system or systems, such city or town may make payments to such corporation for water and sewer services; prescribing the methods of payment by such city or town; providing that such contract may provide that such corporation shall have the right to use the streets, alleys and public ways of such city or town for water and sewer purposes for the duration of such contract, etc., and declaring an emergency."

The bill was read the second time.

Senator Crump offered the following Committee Amendment to the bill:

Amend S. B. 420 by striking out each line that appears below the Enacting Clause, and substituting in lieu thereof the following:

Section 1. Any city or town, whether operating under the general law or under its special or home rule charter, is authorized to enter into a contract with any corporation organized to be operated without profit under the terms of which such corporation will acquire on behalf of the city or town one or more water supply systems, water distribution systems and sanitary sewer systems, either singularly or together.

Section 2. When any such contract shall provide that the city or town shall become the owner of such system or systems at such time as all debt incurred by such corporation in the acquisition, repairs and operation of such system or systems is paid in full, such city or town shall be authorized to make payments to such corporation for the supplying of water to the city or town and for the rendering of sanitary sewerage service to part or all of the inhabitants of such city or town. Such contract shall provide that such payments are to be made solely out of water or sewer system revenues.

Section 3. Any such contract may provide that such corporation shall have the right to use the streets, alleys and public ways of the city or town for water, sewer or water and sewer purposes for a period of time which shall terminate at the time all such indebtedness of such corporation is paid in full and the city or town acquires title to such system or systems in accordance with this Act.

Section 4. Any such contract may provide that the City shall under certain conditions operate the system or systems, and if such contract does so provide, the City or town shall be authorized to operate such system or systems.

Section 5. Any contract made by any city or town pursuant to this Act shall be authorized by ordinance passed by a majority vote of the governing body of such city or town, provided however that such ordinance shall not take effect or become law until after such ordinance has been approved by the legally qualified voters at an election called by the governing body of such city or town, at

which election the legally qualified voters shall vote for or against the contract as authorized by the ordinance. Such ordinance including said contract shall be published in full in the notice of such election. Such notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in such city or town. The first such publication shall be not less than thirty (30) days prior to the date set for the election. If at such election the majority of the votes cast shall be for approval of said contract, the same shall become effective, but if the majority of the votes cast shall be against approval of said contract, the ordinance authorizing such contract shall become null and void. It shall be the duty of the governing body of such city or town to canvass the returns of such election and by ordinance declare the results thereof. The election provided for in this Section shall be conducted to the extent not inconsistent with this Act in accordance with the general election laws of this State.

Section 6. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 7. The necessity of enlarging immediately the authority of cities and towns to acquire water supply, water distribution and sewer systems creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and it is hereby suspended and that this Act become effective immediately from its passage and it is so enacted.

The Committee Amendment was adopted.

Senator Crump offered the following Committee Amendment to the bill:

Amend S. B. 420 by striking out each line that appears above the enacting clause, and substituting in lieu thereof the following:

An Act enabling any city and town to enter into a contract or contracts for the acquisition of water supply systems, water distribution systems,

sanitary sewer systems, either separately or together from corporations operating without profit; providing that if the city or town is to become the owner of such system or systems, such city or town may make payments to such corporation for water and sewer services; prescribing the methods of payment by such city or town; providing that such contract may provide that such corporation shall have the right to use the streets, alleys and public ways of such city or town for water and sewer purposes for the duration of such contract and until such time as the title to the system or systems is acquired by the city or town; authorizing such city or town to operate such system or systems if so provided in the contract; containing a severability clause; enacting other provisions related to the subject and declaring an emergency.

The Committee Amendment was adopted.

On motion of Senator Crump and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Votes

Senators Owen, Rogers and Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 420 to engrossment.

#### Senate Bill 420 on Third Reading

Senator Crump moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 420 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hudson
Baker	Kazen
Bradshaw	Krueger
Colson	Lane
Crump	Martin
Dies	Moffett
Fly	Moore
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts

Secrest	Weinert
Smith	Wood

Nays—3

Owen	Willis
Rogers	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Krueger
Baker	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Moore
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Wood

Nays—3

Owen	Willis
Rogers	

#### Senate Bill 445 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 445, A bill to be entitled "An Act to fix the maximum salary and provide other compensation for the Official Shorthand Reporters of the Judicial District Courts, Civil or Criminal, and the Official Shorthand Reporter of the County Court at Law, of Jefferson County; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 445 to engrossment.

#### Senate Bill 445 on Third Reading

Senator Fuller moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 445 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Hardeman

**Senate Bill 422 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 422, A bill to be entitled "An Act amending an Act now codified and appearing as Article 1651, Vernon's Civil Statutes of the State of Texas, Annotated, by adding thereto a provision that the County Auditor appointed under the Provisions of Title 34, Revised Civil Statutes of the State of Texas, with the consent and by order of the Commissioners Court,

may destroy papers, cancelled checks, and vouchers, accounts and records in his control and custody provided said records shall have been on file ten (10) years from their original date, and providing for the manner of destruction, and declaring an emergency"

The bill was read second time and passed to engrossment.

**Record of Vote**

Senator Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 422 to engrossment.

**Senate Bill 422 on Third Reading**

Senator Gonzalez moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 422 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

**Nays—1**

Willis

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—30**

Aikin	Gonzalez
Baker	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Crump	Hudson
Dies	Kazen
Fly	Krueger
Fuller	Lane

Martin	Reagan
Moffett	Roberts
Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Ratliff	Wood

Nays—1

Willis

#### Recess

On motion of Senator Baker the Senate at 11:50 o'clock a.m. took recess until 2:30 o'clock p.m. today.

#### After Recess

The Presiding Officer (Senator Hardeman in the Chair) called the Senate to order at 2:30 o'clock p.m. today.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 76, Granting permission to H. S. Wernli and wife, Ruth Wernli, to sue the State of Texas.

H. B. No. 951, A bill to be entitled "Validating the order passed by Tom Green County Commissioners' Court re-affirming the creation of Tom Green County Water Control and Improvement District No. 1, creating said district, describing the various tracts of land included in said district, appointing the directors thereof and making other provisions related thereto; creating said district to contain the tracts of land described in said order; providing for detaching lands from or annexing lands to the district; providing for elections for the assumption of liability under contract with the United States Government or under outstanding bonds and the levy of taxes to pay same; enacting other provisions related to the subject; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 447 or Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 447, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution of Texas, to be known as the 'Upper Nueces Conservation and Reclamation District'; defining the powers of the District and providing for its management and operation; declaring the act to be severable; and declaring an emergency."

The bill was read the second time.

Senator Crump offered the following Committee Amendment to the bill:

Amend S. B. 447, Sec. 3, Subsection (h) by inserting the words "within the district" after the comma following the word "domain" and before the word "which."

The Committee Amendment was adopted.

Senator Crump offered the following Committee Amendment to the bill:

Amend S. B. 447, Sec. 3, Subsection (j) by deleting the words "or without" after the word "within" and before the word "the" and by deleting the words and the parentheses after the word "District" and before the word "necessary" reading as follows: (other than such property or any interest therein without the boundaries of the District as may at the time be owned by any body politic)."

The Committee Amendment was adopted.

Senator Crump offered the following Committee Amendment to the bill:

Amend Senate Bill 447 by inserting at the end of Subsection (l) of Section 3 the following:

"provided, however in the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation of or altering the construction of any electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation or alteration of



construction shall be accomplished at the sole expense of the District."

The Committee Amendment was adopted.

Senator Crump offered the following Committee Amendment to the bill:

Amend Section 5, Senate Bill 447, by adding a new paragraph to read as follows:

"The directors of said District upon receipt of a petition signed by twenty-five or more resident property tax paying citizens of the District shall call an election to be held in said District to determine whether said taxes shall be levied, collected and remitted to said District by Edwards and Real Counties, respectively. If a majority of the votes cast in such election are in favor of such use of said funds, then, and until another such election should be decided otherwise, said funds shall be collected for, remitted to and used by said District for flood control purposes."

The Committee Amendment was adopted.

On motion of Senator Crump and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 447 on Third Reading

Senator Crump moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 447 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kazen
Baker	Krueger
Bradshaw	Lane
Colson	Martin
Crump	Moffett
Dies	Moore
Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers

Secrest  
Smith  
Weinert

Willis  
Wood

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### Committee Substitute Senate Bill 221 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passed to engrossment:

C. S. S. B. No. 221, A bill to be entitled "An Act amending Article 1341 of the Penal Code of Texas, relating to driving a vehicle without owner's consent; providing penalties for violations; providing for severability; providing a savings clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Record of Votes

Senators Owen, Roberts, Willis, Crump and Hudson asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 221 to engrossment.

#### Committee Substitute Senate Bill 221 on Third Reading

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—26

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Wood

## Nays—5

Crump	Roberts
Hudson	Willis
Owen	

House Bill and Resolutions  
on First Reading

The following bill and resolutions received from the House were read the first time and referred to the committees indicated:

H. B. No. 951, To the Committee on Water and Conservation.

H. C. R. No. 21, To the Committee on Jurisprudence.

H. C. R. No. 74, To the Committee on Jurisprudence.

H. C. R. No. 76, To the Committee on Jurisprudence.

## Senate Bill 454 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 454, A bill to be entitled "An Act validating, confirming, ratifying and approving the creation and organization of all water control and improvement districts heretofore created by the Commissioners Court of Travis County; validating, confirming, ratifying and approving other proceedings, hearings, findings, actions, election, orders and resolutions; validating, confirming, ratifying and approving all bonds heretofore approved by the Attorney General and registered by the Comptroller and declaring the legality, validity and incontestability thereof and of bonds hereafter so approved and registered; providing a litigation clause; providing a savings clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Record of Votes

Senators Hardeman, Aikin and Martin asked to be recorded as voting "Nay" on the passage of S. B. No. 454 to engrossment.

## Senate Bill 454 on Third Reading

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 454 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

## Nays—2

Aikin

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—28

Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—3

Aikin

Martin

Hardeman

## Senate Bill 120 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 120, A bill to be entitled "An Act amending Sections 1, 3, and 8 of Senate Bill No. 323, Acts, 55th Legislature, Regular Session, 1957, Chapter 307, Page 746; to provide for a yearly permit and an annual fee for a permit; prescribing who shall enforce this Act; and declaring an emergency."

The bill was read second time.

Senator Krueger offered the following amendment to the bill:

Amend S. B. No. 120 by striking all below the enacting clause and substituting therefor the following:

"Section 1. Section 1 of Senate Bill No. 323, Acts 55th Legislature, Regular Session, 1957, Chapter 307, Page 746, is amended to read hereafter as follows:

"Section 1. Before any person shall sell, license, or otherwise dispose of any performing rights of any copyrighted musical or dramatico-musical composition to be exercised in this state under a blanket license, such

person shall first procure an annual permit to be known as a 'Permit to Dispense Performing Rights Under a Blanket License' from the State Comptroller of Public Accounts for such privilege."

"Sec. 2. Section 3 of Senate Bill No. 323, Acts 55th Legislature, Regular Session, 1957, Chapter 307, page 746, is amended to read hereafter as follows:

"Sec. 3. The annual fee for a Permit to Dispense Performing Rights Under a Blanket License shall be \$100.00 if less than ten users are authorized to operate in this State by the holder of such permit, \$250.00 if more than ten but less than one hundred users are authorized to operate in this State by the holder of such permit, and \$500.00 if one hundred or more users are authorized to operate in this State by the holder of such permit. Such permits shall be issued and renewed on an April 1st to March 31st annual basis, except that an initial permit may be issued for the portion of a year between the date of application therefor and the following April 1st, in which case the fee for the initial permit shall be a fractional part of the applicable annual fee which is proportional to the portion of the year during which such initial permit is to be in effect, but in no event less than \$50.00. The fee shall be based in all cases on the number of users authorized to operate in this State by the permit holder as of the 31st day of December next preceding the date of issuance or renewal of the permit and shall be paid before the permit is issued. The form of such permits shall be prescribed by the State Comptroller."

"Sec. 3. Section 4 of Senate Bill No. 323, Acts 55th Legislature, Regular Session, 1957, Chapter 307, page 746, is amended to read hereafter as follows:

"Sec. 4. Any person issuing a blanket license for performing rights in this State shall file with the Secretary of State, along with such person's annual application for a Permit to Dispense Performing Rights under a Blanket License as required under this Act, a form copy of each type of blanket license then in effect in this State together with the affidavit of such person giving a list of all users holding each type of blanket license and the rates charged to each."

"Sec. 4. Section 5 of Senate Bill

No. 323, Acts 55th Legislature, Regular Session, 1957, Chapter 307, page 746, is amended to read hereafter as follows:

"Sec. 3. Every person, whether incorporated or not, before issuing any blanket license for performing rights to any user to be exercised within this State, shall first file with the Secretary of State a registration statement giving (1) its correct corporate name if incorporated or, if not incorporated, the name under which it issues or intends to issue such blanket licenses to users for exercise in this State, (2) its Post Office address, and (3) the name and address of a registered agent in this State, which registered agent shall be an individual who is a resident of this State. There shall be filed with such registration statement a Power of Attorney designating such registered agent as its agent for service of process, which Power of Attorney shall be irrevocable except by the filing of a new Power of Attorney with the Secretary of State designating a new, duly qualified agent for service of process. The person filing such registration statement and Power of Attorney, whether incorporated or not, may, after filing same, sue or be sued in the courts of this State in the name given in such registration statement for the purpose of enforcing for or against it any substantive right; and any process, notice, or demand required or permitted by law to be served on such person in any suit, proceedings, or cause of action pending or hereafter filed in this State in which said person is a party or is to be made a party may be served on said registered agent."

"Sec. 5. Section 6 of Senate Bill No. 323, Acts 55th Legislature, Regular Session, 1957, Chapter 307, page 746, is amended to read hereafter as follows:

"Sec. 6. No Permit to Dispense Performing Rights Under a Blanket License shall be issued unless the registration statement and Power of Attorney required by Section 5 of this Act are on file with the Secretary of State."

"Sec. 6. Section 8 of Senate Bill No. 323, Acts 55th Legislature, Regular Session, 1957, Chapter 307, Page 746, is amended to read hereafter as follows:

"Sec. 8. The State Comptroller may file a complaint against any person, as that term is herein defined, failing

to comply with or who violates any provision of this Act. Any person who has failed to comply with any provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00."

"Sec. 7. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

"Sec. 8. The fact that the type of business dealing herein required to be licensed is affected with a public interest creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

On motion of Senator Krueger and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Votes

Senators Hazlewood, Martin, Rogers and Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 120 to engrossment.

#### Senate Bill 120 on Third Reading

Senator Krueger moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 120 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Gonzalez
Baker	Hardeman
Bradshaw	Herring
Colson	Hudson
Crump	Kazen
Dies	Krueger
Fly	Lane
Fuller	Martin

Moffett	Roberts
Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Ratliff	Wood
Reagan	

Nays—2

Hazlewood	Willis
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27

Aikin	Lane
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Wood
Krueger	

Nays—4

Hazlewood	Rogers
Martin	Willis

#### Report of Standing Committee

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 951, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

#### House Bill 951 Ordered Not Printed

On motion of Senator Weinert and by unanimous consent H. B. No. 951 was ordered not printed.

#### Senate Bill 308 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 308, A bill to be entitled "An Act to amend Article 4357, Revised Civil Statutes of Texas, 1925, as amended, relating to the system and method of paying accounts in the Department of Comptroller of Public Accounts; providing for an extension of time for making payments on new construction contracts, and to repair and remodeling projects which exceed the sum of Twenty Thousand Dollars (\$20,000), including in either instance furniture and other equipment, architects' and engineering fees, and other related costs; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 308 on Third Reading

Senator Lane moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 308 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Hardeman
Baker	Hazlewood
Bradshaw	Herring
Colson	Hudson
Crump	Kazen
Dies	Krueger
Fly	Lane
Fuller	Martin
Gonzalez	Moffett

Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Ratliff	Willis
Reagan	Wood
Roberts	

**Senate Bill 388 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 388, A bill to be entitled "An Act amending subsections '(c),' '(d),' '(h),' and '(i)' of Article 908, of the Penal Code of Texas, 1925, as amended, relating to hunting on game preserves for pay; and declaring an emergency."

The bill was read the second time.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill No. 388 by striking out of Section 3, Subsection h, and add in lieu thereof the following:

"(h). All game birds that are killed on said areas as above described shall be banded with a band carrying the permit number of the owner of said shooting resort and the band shall remain on the bird after it is killed and processed."

The amendment was adopted.

On motion of Senator Lane and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Senate Bill 388 on Third Reading**

Senator Lane moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 388 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Gonzalez
Baker	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Crump	Hudson
Dies	Kazen
Fly	Krueger
Fuller	Lane

Martin	Roberts
Moffett	Rogers
Moore	Secrest
Owen	Smith
Parkhouse	Weinert
Phillips	Willis
Ratliff	Wood
Reagan	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**Senate Bill 428 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 428, A bill to be entitled "An Act authorizing the State Board of Health to sell a certain tract of land owned by the State of Texas located in the County of Rusk; stating the purposes for which proceeds of the sale may be expended; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Record of Vote**

Senator Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 428 to engrossment.

**Senate Bill 428 on Third Reading**

Senator Lane moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 428 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

## Nays—1

Willis

## Senate Bill 355 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 355, A bill to be entitled "An Act amending Section 2, Chapter 368, Acts 1957, 55th Legislature, Regular Session, creating Bi-Stone Municipal Water Supply District, so as to make certain the boundaries of said district and validating said district and the proceedings heretofore had in connection with its organization; enacting other matters relating to the subject; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 355 to engrossment.

## Senate Bill 355 on Third Reading

Senator Moore moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 355 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—1

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—1

Hardeman

**Committee Substitute  
Senate Bill 425 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 425, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office of the State of Texas to sell an estate upon special limitation in certain Public Free School Land situated in El Paso County to the County of El Paso; reserving all minerals together with the right to explore for same to the State; prescribing the limitation upon which such sale is to be made; providing for the issuance of a patent; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Committee Substitute  
Senate Bill 425 on Third Reading**

Senator Owen moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 425 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Martin	Willis
Moffett	Wood
Moore	

**Report of Standing Committee**

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 76, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

**House Concurrent Resolution 76  
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent H. C. R. No. 76 was ordered not printed.

**Executive Session**

On motion of Senator Reagan and by unanimous consent, the Senate agreed to hold an Executive Session at 3:07 o'clock p.m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Branch Pilots for the Port of Galveston and Texas City: For two-year terms to expire April 1, 1961: Albert F. Schurig of Galveston, Galveston County; Ereal H. Goodwin of Galveston, Galveston County; Har-



ry L. Coker, Jr., of Galveston, Galveston County. For a two-year term to expire April 15, 1961: Ernest E. Lance of Galveston, Galveston County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire April 1, 1961: H. C. Cage of Houston, Harris County; Roy C. Blodgett of Houston, Harris County; Henry Corry of Houston, Harris County.

To be members of the Credit Union Advisory Commission, for a term to expire December 31, 1959: Benny G. Levisse of Fort Worth, Tarrant County.

To be members of the Credit Union Advisory Commission, for three-year term to expire December 31, 1960: R. C. Morgan of El Paso, El Paso County; Mrs. Bessie Heard of Houston, Harris County.

To be a member of the Texas Commission on Higher Education, to fill the unexpired term of Dr. H. F. Connally, Jr., resigned, term to expire March 31, 1959: Robert F. Haynesworth of El Paso, El Paso County.

To be a member of the Texas Commission on Higher Education, to fill the unexpired term of John W. Newton, resigned, term to expire March 31, 1959: Rex G. Baker, Sr., of Houston, Harris County.

To be a member of the Texas Commission on Higher Education, for a six-year term to expire March 31, 1965: Rex G. Baker, Sr., of Houston, Harris County.

To be members of the Advisory Hospital Council, for six-year terms to expire July 17, 1963: F. S. Walters, Jr., of Amarillo, Potter County; James P. McCracken of Cisco, Eastland County; Albert H. Scheidt of Dallas, Dallas County; George B. Pearson of Tyler, Smith County.

To be a member of the Industrial Accident Board, to fill the unexpired term of Durwood Manford, resigned, term to expire September 1, 1963: Ned Price of Tyler, Smith County.

To be a member and chairman of the Industrial Accident Board, to fill the unexpired term of H. C. Pittman, Jr., resigned, term to expire September 1, 1961: Ned Price of Tyler, Smith County.

To be a member of the Industrial Accident Board, to fill the unexpired term of Ned Price as Employer Member of the Board, term to expire September 1, 1963: Walter Buckner of San Marcos, Hays County.

To be a member of the State Board of Mansion Supervisors, for a six-year term to expire January 1, 1964: Mrs. Lem Scarbrough of Austin, Travis County.

To be a member of the State Board of Water Engineers, for a six-year term to expire August 19, 1963: Durwood Manford of Smiley, Gonzales County (designated Chairman).

#### In Legislative Session

The Presiding Officer (Senator Hardeman in the Chair) called the Senate to order as In Legislative Session at 3:17 o'clock p.m. today.

#### Senate Bill 319 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 319, A bill to be entitled "An Act amending paragraph (4) of Section 1, Article 3.50, Sub-chapter E of Senate Bill 236, Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as further amended by Senate Bill 369, Chapter 247, Acts of the 54th Legislature, Regular Session, 1955, pertaining to group life insurance to allow the insurance of the amount of indebtedness of a borrower or the face amount of a loan or loan commitment made to a debtor with seasonal income for general agricultural or horticultural purposes; providing for the payment of such insurance; and declaring an emergency."

The bill was read first time.

Senator Parkhouse offered the following Committee Amendment to the bill:

Amend Sub-section (a) of Section (4) of Section 1 of Senate Bill 319 by inserting a comma between the words "indebtedness" and "or" in the first sentence thereof.

The Committee Amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Votes

Senators Herring, Phillips, Rogers and Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 319 to engrossment.

#### Senate Bill 319 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 319 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood
Lane	

#### Nays—2

Herring	Willis
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—27

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Secrest
Hazlewood	Smith
Hudson	Weinert
Kazen	Wood
Krueger	

#### Nays—4

Herring	Rogers
Phillips	Willis

#### Senate Resolution 459

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 48 pupils of the 6th Grade of Lytle Public Schools, Lytle, Atascosa County, Texas, accompanied by their teacher, Mr. W. W. Holland, Ass't. Prin., and Mrs. H. D. Peabody, and a group of parents; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and teachers to the Members of the Senate.

#### Senate Bill 466 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 466, A bill to be entitled "An Act validating, ratifying and confirming certain conveyances by the City of Freeport to Brazoria County Drainage District No. 2 (also known as Velasco Drainage District of Brazoria County, Texas) and authorizing said Drainage District to maintain, repair, improve and extend the seawalls and other improvements so conveyed; prescribing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Record of Votes

Senators Willis and Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 466 to engrossment.

#### Senate Bill 466 on Third Reading

Senator Phillips moved that Senate Rule 32 and the Constitutional Rule

requiring bills to be read on three several days be suspended and that S. B. No. 466 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—29**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood
Lane	

**Nays—2**

Hardeman                  Willis

**Senate Bill 224 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 224, A bill to be entitled "An Act relating to the type of instrument and amount thereof necessary to be shown to prove a violation of the Hot Check Law; amending

Sec. 4, Chapter 17, Acts of 46th Legislature, 1939, as amended; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 224 on Third Reading**

Senator Roberts moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 224 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**Senate Bill 434 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 434, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Texas Constitution comprising the territory contained within the City of Bonham in Fannin County, Texas, for the purpose of providing a source of water supply for municipal, domestic, mining and industrial use and treating and transporting the same; providing for the annexation of additional territory thereto; providing for a board of directors for the government of said district; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 434 on Third Reading

Senator Roberts moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 434 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Hardeman
Baker	Hazlewood
Bradshaw	Herring
Colson	Hudson
Crump	Kazen
Dies	Krueger
Fly	Lane
Fuller	Martin
Gonzalez	Moffett

Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Ratliff	Willis
Reagan	Wood
Roberts	

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to H. J. R. No. 6 by vote of 110 ayes, 29 noes.

The House has concurred in Senate amendments to House Bill No. 454 by vote of 134 ayes, 2 noes.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 266 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 266, A bill to be entitled "An Act amending Sections 2, 3 and 7 of Article 21.07, Texas Insurance Code, to provide that agents licenses shall expire one year from the date of issue, and that an insurance company appointment of such agent will continue in effect until withdrawn and terminated by the company; amending Sections 8 and 9 of Article 21.07-1, Texas Insurance Code, to provide that an insurance company appointment of a legal reserve life insurance agent shall continue in effect until terminated and withdrawn by the company; amending Sections 8 and 12 of Article 21.14, Texas Insurance Code, to provide that local recording agents and solicitors licenses shall expire one year from date of issue, and providing for appointment of local recording agents by companies; and declaring an emergency."

The bill was read second time.

Senator Roberts offered the following Committee Amendment to the bill:

Amend Section 5 of S. B. 266 so it will hereafter read and provide as follows:

"Sec. 5. That Section 12 of Article 21.14, Texas Insurance Code, 1951, as amended, be amended to hereafter read and provide as follows:

'Section 12. Notice to Commissioner of Insurance of Appointment of Local Recording Agent by Insurance Company.—After a person or firm shall be granted a license as a local recording agent in this State, he shall be authorized to act as such local recording agent, only after and during the time such person or firm has been authorized so to do, by an insurance company or carrier having a permit to do business in this state; and when so authorized each company or carrier or its general or state or special agent making the appointment shall immediately notify the Commissioner of Insurance, on such form as the Commissioner may require, of the appointment. The agent shall be required to pay a fee of \$2.00 for each appointment applied for, which fee shall accompany the notice, and such person or firm shall be presumed to be the agent for such company in this state until such company or its general or state or special agent shall have delivered written notice to the Commissioner of Insurance that such appointment has been withdrawn.'"

The Committee Amendment was adopted.

On motion of Senator Roberts and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 266 on Third Reading

Senator Roberts moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 266 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Crump
Baker	Dies
Bradshaw	Fly
Colson	Fuller

Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis
Moore	Wood
Owen	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### Senate Bill 459 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 459, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter of the 100th Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statement of facts and other fees; and fixing allowance for travel and hotel expense; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 459 to engrossment.

**Senate Bill 459 on Third Reading**

Senator Rogers moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 459 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Hardeman

**Senate Bill 460 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 460, A bill to be entitled "An Act conferring upon Donley County Water Control and Improvement District No. 1 the power to make a sale and conveyance of its properties; enacting other provisions related to the subject; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Record of Vote**

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 460 to engrossment.

**Senate Bill 460 on Third Reading**

Senator Rogers moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 460 be placed on its third reading and final passage.

The motion prevailed by the following vote.

**Yeas —30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—30**

Aikin	Fuller
Baker	Gonzalez
Bradshaw	Hazlewood
Colson	Herring
Crump	Hudson
Dies	Kazen
Fly	Krueger

Lane	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Secrest
Owen	Smith
Parkhouse	Weinert
Phillips	Willis
Ratliff	Wood

Nays—1

Hardeman

#### Senate Bill 162 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 162, A bill to be entitled "An Act to amend Chapter 41, Acts of the Fortieth Legislature, First Called Session, which is codified as Rules 34a-55a of Article 4477, Vernon's Texas Civil Statutes and as Article 781a, Vernon's Texas Penal Code, by adding thereto new Sections to be known as Rules 56a and 57a, Article 4477, Vernon's Texas Civil Statutes, providing for the filing of a record of each marriage, each divorce and annulment of marriage in this State with the State Registrar of Vital Statistics; providing for the adoption of such regulations and the issuance of such instructions as may be necessary; providing fees for the county clerks, district clerks, and the State Registrar for preparing and filing such records; etc.; and declaring an emergency."

The bill was read second time.

Senator Secrest offered the following amendment to the bill:

Amendment to Senate Bill No. 162 of the 56th Legislature, R. S., by striking out all of Section 24 and inserting in lieu thereof the following:

"Section 24. A record of each marriage performed in this State shall be filed with the State Registrar of Vital Statistics as provided in this Section. Prior to issuing a marriage license, the county clerk shall prepare a record of marriage on a form prescribed and furnished by the State Department of Health. The information necessary to prepare the record of marriage shall be furnished the county clerk by the applicant(s) for the license. Upon receipt of a certificate of marriage from the person performing the ceremony, the county clerk shall complete the record of

marriage. Every county clerk shall forward to the State Registrar on or before the tenth day of each calendar month the records of marriage completed by him during the preceding calendar month, provided, however, the county clerk shall not file in his office copies of such records of marriage. For each such record, the county clerk may collect a fee of One Dollar (\$1.00) to be paid by the applicant, which fee is to be retained by the county clerk and shall be in addition to any other fees required by law. The State Department of Health shall adopt such regulations and the State Registrar shall issue such instructions as may be necessary to effect a complete and accurate registration of all marriages performed in this State."

The amendment was adopted.

Senator Secrest offered the following amendment to the bill:

Amendment to Senate Bill No. 162 of the 56th Legislature, R. S., by striking out all of Section 25 and inserting in lieu thereof the following:

"Section 25. A record of each divorce or annulment of marriage granted by any court in this State shall be filed with the State Registrar of Vital Statistics as provided in this Section. When a petition for divorce or annulment of marriage is filed, the district clerk shall prepare a record of divorce or annulment of marriage on a form prescribed and furnished by the State Department of Health. The information necessary to prepare the record of divorce or annulment of marriage shall be furnished the district clerk by the petitioner or his legal representative at the time the petition is filed. Immediately after a divorce or annulment of marriage is granted, the district clerk shall complete the record of divorce or annulment of marriage. Every district clerk shall forward to the State Registrar on or before the tenth day of each calendar month the records of divorce and annulment of marriage completed by him during the preceding calendar month, provided, however, the district clerk shall not file in his office copies of such records of divorce and annulment of marriage. For each such record, the district clerk may collect a fee of One Dollar (\$1.00) to be paid by the petitioner, which fee is to be retained by the district clerk and shall be in addition to any other fees required by

law. The State Department of Health shall adopt such regulations and the State Registrar shall issue such instructions as may be necessary to effect a complete and accurate registration of all divorces and annulments of marriage granted in this State."

The amendment was adopted.

On motion of Senator Secrest and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Vote

Senator Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 162 to engrossment.

#### Senate Bill 162 on Third Reading

Senator Secrest moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 162 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

Nays—1

Willis

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—30

Aikin	Bradshaw
Baker	Colson

Crump	Moffett
Dies	Moore
Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Martin	Wood

Nays—1

Willis

#### Committee Substitute Senate Bill 448 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment.

C. S. S. B. No. 448, A bill to be entitled "An Act relating to the validation of the incorporation, boundaries, and governmental proceedings of certain cities and towns of five thousand (5,000) inhabitants or less; amending Section 4 of Senate Bill No. 137, Acts of the 56th Legislature, Regular Session, 1959, so as to make the provisions of that Act inapplicable to cities and towns in counties having a population of 350,000 or more according to the last preceding Federal Census which cities or towns are involved in litigation on the effective date of the original Act or on the effective date of this amendment, questioning the legality of the incorporation, annexations and/or extensions of boundaries by any such cities and towns; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 448 to third reading.

#### Committee Substitute Senate Bill 448 on Third Reading

Senator Willis moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 448 be placed on its third reading and final passage.

The motion prevailed by the following vote:



## Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—1

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—1

Hardeman

## Senate Bill 452 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 452, A bill to be entitled "An Act amending subsection (1) of Section 6 of Article III of Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, 1936, as such Act was amended and renumbered by Section 1 of Chapter 34, Acts of the Fifty-fifth Legislature, Regular Session, 1957, so as to exempt veterans' organizations from payment of the admissions tax under certain conditions; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 452 on Third Reading

Senator Willis moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 452 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

## Committee Substitute

## Senate Bill 302 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 302, A bill to be entitled An Act amending Section 37

of Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as amended by Section 6 of Chapter 107, Acts of the 40th Legislature, 1st Called Session, 1927, so as to provide an option in the number and method of election of directors of water control and improvement districts; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### Record of Votes

Senators Hardeman and Moffett asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 302 to engrossment.

#### Committee Substitute Senate Bill 302 on Third Reading

Senator Willis moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 302 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Martin
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### Nays—2

Hardeman	Moffett
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—29

Aikin	Dies
Baker	Fly
Bradshaw	Fuller
Colson	Gonzalez
Crump	Hazlewood

Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Martin	Smith
Moore	Weinert
Owen	Willis
Parkhouse	Wood
Phillips	

#### Nays—2

Hardeman	Moffett
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#### Senate Concurrent Resolution 55 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 55, Granting The Kansas City Southern Railway Company, The Louisiana and Arkansas Railway Company, and The Landa Motor Lines permission to sue the State.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 60 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 60, Granting Steve Paul permission to sue the State of Texas.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 57 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 57, Granting Oscar L. Scarborough permission to sue the State of Texas.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 29 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 29, Authorizing Board of Control to extend certain walkway at southern entrance of Capitol Grounds.

The resolution was read and was adopted.

**House Concurrent Resolution 76  
on Second Reading**

The Presiding Officer laid before the Senate on its second reading H. C. R. No. 76 in lieu of S. C. R. No. 52 (Containing the same subject matter):

H. C. R. No. 76, Granting H. S. Wernli and wife permission to sue the State of Texas.

The resolution was read and was adopted.

**Senate Concurrent Resolution 54  
on Second Reading**

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 54, Granting John A. Dorman et al., permission to sue the State of Texas.

The resolution was read and was adopted.

**At Ease**

The Presiding Officer announced at 3:57 o'clock p.m. that the Senate would stand At Ease for ten minutes.

**In Legislative Session**

The Presiding Officer (Senator Hardeman in the Chair) called the Senate to order at 4:10 o'clock p.m. today.

**Senate Bill 148 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 148, A bill to be entitled "An Act relating to the rights, duties, and liabilities of issuers of securities, transfer agents, and other parties with respect to fiduciary security transfers; providing an effective date; repealing all laws in conflict; and declaring an emergency."

The bill was read the second time.

Senator Parkhouse offered the following Committee Amendment to bill:

Amend S. B. 148, Sec. 11, by striking out the words "simplification of."

The Committee Amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend S. B. 148 by adding a new section to read as follows:

"3a. The signature on a transfer of any security coming within the terms of this Act shall be guaranteed by an officer of a Bank which is a member of the Federal Reserve System."

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Record of Votes**

Senators Willis, Rogers and Herring asked to be recorded as voting "Nay" on the passage of S. B. No. 148 to engrossment.

**Senate Bill 148 on Third Reading**

Senator Parkhouse moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 148 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27**

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

**Nays—4**

Crump	Herring
Dies	Rogers

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—24

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Lane	Wood

## Nays—7

Crump	Owen
Dies	Rogers
Herring	Willis
Krueger	

## Senate Bill 442 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 442, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Riesel Municipal Utility District'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; etc., and declaring an emergency."

The bill was read second time.

Senator Secrest offered the following amendment to the bill:

Amend Senate Bill 442 by striking out all of Section 1 beginning with line 28 of the printed bill, and insert in lieu thereof the following:

Beginning at the northernmost corner of a 20 acre tract of land owned by the Riesel Gin Company as recorded in Volume 251, Page 296 of the McLennan County Deed Records;

Thence S 12 degrees E a distance of 850 feet to a corner;

Thence N 62 degrees E a distance of 3900 feet to a corner;

Thence S 28 degrees E a distance of 3000 feet to a corner;

Thence S 62 degrees W a distance of 8000 feet, more or less, to a point in the centerline of West Sandy Branch;

Thence N 16 degrees 12' E, following the centerline of said West Sandy Branch, a distance of 4718 feet, more

or less, to the point of intersection of the centerline of said West Sandy Branch with the east right-of-way line of the Texas and New Orleans Railroad;

Thence N 12 degrees W a distance of 450 feet to a corner;

Thence N 62 degrees E a distance of 920 feet, more or less, to the place of beginning and containing 470 acres of land, more or less.

The amendment was adopted.

On motion of Senator Secrest and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

## Senate Bill 442 on Third Reading

Senator Secrest moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 442 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—31

Aikin	Fuller
Baker	Gonzalez
Bradshaw	Hardeman
Colson	Hazlewood
Crump	Herring
Dies	Hudson
Fly	Kazen

Krueger	Reagan
Lane	Roberts
Martin	Rogers
Moffett	Secrest
Moore	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood
Ratliff	

**Committee Substitute  
Senate Bill 268 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 268, A bill to be entitled "An Act defining the term dental technician and dental laboratory; providing for prescriptions as a prerequisite to authority; providing for the keeping of prescription records and their inspection; providing for certain exemptions; etc., and declaring an emergency.

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend C. S. S. B. 268, Section 4, by adding the words "for another" after the word "thereof" in line 24, and after the words "so to do" in line 25 of the printed bill.

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend C. S. S. B. 268, Sec. 5, by adding the words "for another" after the word "thereof" in line 46 and after the words "so to do" in line 47 of the printed bill.

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend C. S. S. B. 268, Sec. 6, by adding the words "except Article 753 of Vernon's Texas Penal Code, as amended," immediately after the word "herewith" on line 59 of the printed bill.

The amendment was adopted.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Committee Substitute  
Senate Bill 268 on Third Reading**

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**House Bill 951 on Second Reading**

Senator Crump moved that Senate Rules 13, 38 and 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 951 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 951, A bill to be entitled "Validating the order passed by Tom Green County Commissioners' Court re-affirming the creation of Tom Green County Water Control and Improvement District No. 1, etc., and declaring an emergency."

The bill was read the second time and was passed to third reading.

#### House Bill 951 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 951 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### House Bill 573 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 573, A bill to be entitled "An Act to authorize the Lamar County Water Control and Improvement District, Number One (1), to levy, assess and collect a special assessment based upon actual benefits received by lands within the District arising from flood water retarding structures and dams in the District constructed by the District; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 573 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 573 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Aikin	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Fuller
Baker	Gonzalez
Bradshaw	Hardeman
Colson	Hazlewood
Crump	Herring
Dies	Hudson
Fly	Kazen

Krueger	Reagan
Lane	Roberts
Martin	Rogers
Moffett	Secrest
Moore	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood
Ratliff	

**House Bill 574 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 574, A bill to be entitled "An Act to authorize the Lamar County Water Control and Improvement District, Number Three (3), to levy, assess and collect a special assessment based upon actual benefits received by lands within the District arising from flood waters retarding structures and dams in the District constructed by the District; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 574 on Third Reading**

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 574 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**House Bill 443 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 443, a bill to be entitled "An Act regulating the taking or killing of squirrel in Lamar County, amending Section 2, Chapter 187, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 443 on Third Reading**

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 443 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### House Bill 861 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 861, A bill to be entitled "An Act amending Section 2 of Chapter 386, Acts of the 51st Legislature, Regular Session, 1949, to prohibit hunting and taking of deer with rifles in Precinct 4 of Lamar County; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 861 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 861 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hudson
Baker	Kazen
Bradshaw	Krueger
Colson	Lane
Crump	Martin
Dies	Moffett
Fly	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan

Roberts	Weinert
Rogers	Willis
Secrest	Wood
Smith	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### House Bill 532 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 532, A bill to be entitled "An Act permitting Lamar County, through a county-wide election, to constitute itself a hospital district for the care of the county's indigent and needy; authorizing the Commissioners Court to levy a tax for the district for maintenance and operation of the county hospital system and for retirement of bonded indebtedness; etc, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 532 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 532 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Colson
Baker	Crump
Bradshaw	Dies



Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Martin	Willis
Moffett	Wood
Moore	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### House Bill 661 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 661, A bill to be entitled "An Act amending Section 4 of Article 923m, Revised Penal Code of Texas, 1925, as amended, to permit the hunting of mink with dogs in the Counties of Hopkins, Delta, Franklin, and Camp; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 661 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 661 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### House Bill 922 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 922, An Act to authorize and require the appointment of official shorthand reporters in each District Court and each County Court at Law heretofore and hereinafter created in counties having a population of eight hundred thousand (800,000) or more, according to the last preceding federal census; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the pas-

sage of H. B. No. 922 to third reading.

#### House Bill 922 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 922 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Hardeman

#### House Bill 859 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 859, A bill to be entitled "An Act authorizing the Commissioners Court of each county, acting by and through the County Auditor of such county, to place on time deposit with the depository bank for Trust Funds in the possession of County and District Clerks of such county that portion of the Trust Funds account estimated by the County Auditor as not required immediately to pay out all amounts in accordance with court orders; etc., and declaring an emergency."

The bill was read the second time.

Senator Baker offered the following amendment to the bill:

Amend House Bill 859 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter 14, Acts Fourth Called Session, Forty-first Legislature, 1930, as amended by Chapter 484, Acts Regular Session Forty-fifth Legislature, 1937, is hereby amended by adding a new section to be designated as Sec. 4a, which shall read as follows:

"Sec. 4a. The Commissioners Court of each county, acting by and through the County Auditor, or if there is no County Auditor then the County Treasurer, of such county, is authorized to place on time deposit with the depository bank for Trust Funds in the possession of County and District Clerks of such County, that portion of the Trust Funds account estimated by the County Auditor or County Treasurer, as the case may be, as not required immediately to pay out all amounts in accordance with proper orders of the Judge of the Court in which funds have been deposited. If at any time the funds so placed on time deposit are required before maturity, they shall be made available by the depository bank but the depository bank shall not be liable for interest earned on such amount withdrawn from time deposit. The Commissioners Court is authorized and directed to receive all interest so earned on time deposit of such Trust Funds and to place all such interest into the General Fund of the County as an offset to the expenses of handling such Trust Funds for the benefit of litigants."

Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 3. The high costs of handling and accounting for Trust Funds in the possession of County and District Clerks presently borne by the various counties of this State, which hardship can be alleviated by the enactment of this law, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

On motion of Senator Baker and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 859 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 859 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Martin	Willis
Moffett	Wood
Moore	

#### Reports of Standing Committees

Senator Bradshaw by unanimous consent submitted the following report:

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 473, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRADSHAW, Chairman.

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,  
April 28, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 74, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

#### House Concurrent Resolution 74 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. C. R. No. 74 was ordered not printed.

#### Bills Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the captions had been read, the following enrolled bills:

H. B. No. 566, A bill to be entitled "An Act amending Article 1679, Revised Civil Statutes of Texas of 1925,

as amended, increasing the amounts which the Commissioners Courts are authorized to set aside out of certain other county funds, for free county library purposes; and declaring an emergency."

H. B. No. 737, A bill to be entitled "An Act amending Section 7, of Chapter 59, Acts of the 40th Legislature, 1927, as amended, relating to the County Court at Law of Cameron County; and declaring an emergency."

H. B. No. 453, A bill to be entitled "An Act validating donations of unimproved land by Home Rule cities by grant or lease to counties wherein they are located for use by Juvenile Board of such counties, and authorizing such donations; and declaring an emergency."

H. B. No. 151, A bill to be entitled "An Act amending Chapter 52, Acts of the Forty-first Legislature, First Called Session, 1929, as amended by Chapter 429, Acts of the Fifty-third Legislature, Regular Session, 1953, to provide for the control and eradication of vesicular exanthema in swine; repealing conflicting laws; providing for severability; providing a penalty for violation; and declaring an emergency."

H. B. No. 6, A bill to be entitled "An Act constituting Arlington State College a fully State-supported co-educational senior college; prescribing and limiting courses of study; providing an effective date; declaring this Act to be cumulative of existing statutes relating to Arlington State College; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 332, An Act to create the Attoyac Bayou Watershed Authority conservation and reclamation district in Shelby, Rusk, and Nacogdoches Counties under the provisions of Article XVI, Section 59, of the Constitution of Texas; prescribing the duties, powers, functions, and procedures for the district, including the right to participate in the organization of subordinate districts to carry out the functions of the master district under certain circumstances and conditions; etc.; and declaring an emergency."

#### House Bill 190 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 190, An Act providing that whenever negligence is alleged as a criminal offense, it shall be necessary that the indictment, information, or complaint state the particular act or omission relied on; providing that this Act shall be cumulative of all the laws of the State; and declaring an emergency."

The bill was read the second time.

Senator Lane offered the following amendment to the bill:

Amend H. B. No. 190 by striking out all below the enacting clause and inserting in lieu thereof the following:

#### "Section 1.

Whenever negligence enters into or is a part or element of any offense, or it is charged that the accused acted negligently or with negligence in the committing of an offense, the complaint, information, or indictment in order to be sufficient in any such case must allege, with reasonable certainty, the act or acts relied upon to constitute negligence, and in no event shall it be a sufficient compliance with this Act to allege merely that the accused, in committing the offense, acted negligently or with negligence.

Provided, further, that in charging any such offense or any other offense of the grade of a misdemeanor not more than one offense may be charged or alleged in the same complaint, information, or indictment.

#### "Section 2.

The fact that there is now no law touching the subject matter of this proposed legislation, and the near close of this session of the Legislature create an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend H. B. 190 by striking all above the enacting clause and inserting in lieu thereof the following:

"A bill to be entitled, An Act providing that whenever negligence is a part or element of an offense it shall be necessary that the indictment, information, or complaint allege the act or acts relied upon to constitute negligence; and providing that in such

cases and in all misdemeanor cases not more than one offense shall be charged or alleged in the same indictment, information, or complaint; and declaring an emergency."

The amendment was adopted.

On motion of Senator Baker and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### Record of Vote

Senator Moffett asked to be recorded as voting "Nay" on the passage of H. B. No. 190 to third reading.

#### House Bill 190 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 190 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

#### Nays—1

Moffett

The Presiding Officer then laid before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—30

Aikin	Dies
Baker	Fly
Bradshaw	Fuller
Colson	Gonzalez
Crump	Hardeman

Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Martin	Smith
Moore	Weinert
Owen	Willis
Parkhouse	Wood

#### Nays—1

Moffett

#### House Bill 504 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 504, A bill to be entitled "An Act amending Article 1266 of the Revised Civil Statutes of Texas, 1925, relating to the discontinuing of territory as a part of certain cities; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 504 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 504 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**House Bill 670 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 670, A bill to be entitled "An Act conferring upon counties the right of eminent domain within the boundaries of municipalities with the prior consent of the governing bodies of such municipalities where land, rights of ways or easements are, in the judgment of the Commissioners Court of such counties, necessary or convenient to any road which forms or will form a connecting link in the county road system or a connecting link in a State Highway; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**Record of Vote**

Senator Hardeman asked to be recorded as voting "Nay" on the passage of H. B. No. 670 to third reading.

**House Bill 670 on Third Reading**

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 670 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Dies
Baker	Fly
Bradshaw	Fuller
Colson	Gonzalez
Crump	Hazlewood

Herring	Phillips
Hudson	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Secrest
Moffett	Smith
Moore	Weinert
Owen	Willis
Parkhouse	Wood

**Nays—1**

Hardeman

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Hardeman

**House Bill 472 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 472, A bill to be entitled "An Act to amend Article 1.10, Texas Insurance Code, by adding a new section thereto to authorize the State Board of Insurance and State Treasurer to accept and hold voluntary deposits made by Texas insurance companies as a prerequisite for such companies to gain admission to do an insurance business in other states, countries or provinces; setting out the conditions under which such deposits may be substituted and withdrawn; and authorizing transfer of previous deposits so made to the account authorized hereunder; making the act cumulative; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 472 on Third Reading

Senator Bradshaw moved that Senate Bill 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 472 be placed on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

##### Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### House Bill 172 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 172, A bill to be entitled "An Act authorizing the State Highway Commission and the State Parks

Board to enter into and perform contracts for the construction of roads in and adjacent to State Parks, in conformity with Chapter 340, Acts of the Fifty-third Legislature, Regular Session; providing a severance clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 172 on Third Reading

Senator Colson moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 172 be placed on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

##### Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**House Bill 409 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 409, A bill to be entitled "An Act relating to the leasing for oil, gas, and other mineral purposes of one thousand two hundred eighty (1280) acres of land owned by the Alabama and Coushatta Tribes of Texas; repealing laws and parts of laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 409 on Third Reading**

Senator Colson moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 409 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Hardeman
Baker	Hazlewood
Bradshaw	Herring
Colson	Hudson
Crump	Kazen
Dies	Krueger
Fly	Lane
Fuller	Martin
Gonzalez	Moffett

Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Ratliff	Willis
Reagan	Wood
Roberts	

**House Bill 714 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 714, A bill to be entitled "An Act establishing a juvenile board in Liberty County; prescribing the membership and powers of the board and providing for compensation of its members; authorizing the board to appoint a juvenile officer; prescribing the powers and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 714 on Third Reading**

Senator Colson moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 714 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:



## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**Committee Substitute  
House Bill 106 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 106, A bill to be entitled "An Act authorizing each elected county officer and the Commissioners Court of each county to provide for paid vacations, holidays fixed by State law and sick leave, and to provide for deductions for absences, for employees working under such officer or Commissioners Court or their appointees or under a County Commissioner or his appointees; stating the effect of this Act on existing laws; and declaring an emergency."

The bill was read second time and was passed to third reading.

**Committee Substitute  
House Bill 106 on Third Reading**

Senator Colson moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 106 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Hardeman
Baker	Hazlewood
Bradshaw	Herring
Colson	Hudson
Crump	Kazen
Dies	Krueger
Fly	Lane
Fuller	Martin
Gonzalez	Moffett

Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Ratliff	Willis
Reagan	Wood
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**Senate Concurrent Resolution 32 on  
Second Reading**

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 32, Creating an Interim Legislative Committee to Study Problems of the Aged in Texas, Inter-Departmental Committee on Aging, State-wide Conference, etc.

The resolution was read and was adopted.

**Committee Substitute Senate Bill  
340 Added to Local and Uncontested  
Bills Calendar**

On motion of Senator Martin and by unanimous consent C. S. S. B. No. 340 was added to the Local and Uncontested Bills Calendar.

**Committee Substitute  
Senate Bill 340 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 340, A bill to be

entitled "An Act providing for the continuity of the functions of the government of the State and the governments of political subdivisions of the State in the event of attack upon the United States; providing for additional officers to act as Governor; providing the period in which authority may be exercised; making other provisions relating thereto; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Committee Substitute  
Senate Bill 340 on Third Reading**

Senator Krueger moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 340 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

**Conclusion of Local and Uncontested  
Bills Calendar Session**

The Presiding Officer announced the conclusion of the session for today's consideration of the Local and Uncontested Bills Calendar.

**Senate Joint Resolution 14  
on Second Reading**

On motion of Senator Krueger and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 14, Proposing amendment to Article III of the Constitution of Texas by adding thereto a new Section to be known as Section 62, authorizing the Legislature to provide for the continuity of the Legislative, Executive and Judicial functions of the State Government and of its political subdivisions in the event of an attack or a series of attacks by an enemy of the United States causing, or which may cause, disruption of the State Government and its various political subdivisions, etc., and declaring an emergency."

The resolution was read second time and passed to engrossment.

**Senate Joint Resolution 14  
on Third Reading**

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent

Hazlewood          Hudson

The Presiding Officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—29		Roberts	Weinert
Aikin	Kazen	Rogers	Willis
Baker	Krueger	Secrest	Wood
Bradshaw	Lane		
Colson	Martin		Absent
Crump	Moffett	Hazlewood	Hudson
Dies	Moore		
Fly	Owen		Recess
Fuller	Parkhouse	On motion of Senator Owen the Senate at 5:24 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.	
Gonzalez	Phillips		
Hardeman	Ratliff		
Herring	Reagan		

**In Memory of**  
**Mrs. S. S. McGinnis**

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Senator Wood offered the following resolution:

(Senate Resolution 458)

Whereas, One of Texas' senior citizens was called from her earthly labors on April 26th at her home in Terrell, Texas; and

Whereas, This pioneer citizen, namely, Mrs. S. S. McGinnis, having been born on April 21, 1860, thus celebrating the ninety-ninth anniversary of her birth on San Jacinto Day just passed; and

Whereas, Mrs. McGinnis, a native of Missouri, had been a resident of Kaufman County for more than seventy-five years; and

Whereas, She was married to Strother Stephen McGinnis in the community of her birth, and later moved to Texas, and to which union eight children were born; and

Whereas, Mrs. McGinnis was known to her every acquaintance as a kindly and generous lady and maintained a gracious and hospitable home; and

Whereas, She took great pride in the pioneer spirit which characterized the people of former years when resourcefulness was a recognized virtue in the absence of modern conveniences and facilities. She was particularly proud of her quilting ability and had great pride in a collection of plates and rare items; and

Whereas, She is survived by two sons and four daughters, eight grandchildren, five great-grandchildren and a sister who resides in Vandalia, Missouri; and

Whereas, She had made her home with her daughter, Miss Essie McGinnis, for the past thirty years, during which time she was often in Austin with her daughter, who has served as the Engrossing and Enrolling Clerk of the Senate since 1931; and

Whereas, It is the desire of the Senate to extend its sympathy to the surviving members of her family and to pay tribute to this pioneer Texas woman; now, therefore, be it

Resolved, by the Senate of Texas, That it hereby extend its sympathy and pay its tribute to her memory through the adoption of this resolution; and be it further

Resolved, That a page in the Journal be set aside for such resolution and that when the Senate adjourns today it do so in memory of Mrs. S. S. McGinnis; and be it further

Resolved, That copies of this resolution under the seal of the Senate, be sent to the surviving members of her family.

WOOD  
HARDEMAN  
GONZALEZ

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.